

FIFTH NUMBER.

VERMONT ILLUSTRATED,

SUPPLEMENT TO

No. 6—VOL. LXIV.

THE MIDDLEBURY REGISTER,

FEBRUARY 10, 1899.

COPYRIGHT, 1897, BY JOSEPH BATTELL.

PRINTED BY
THE REGISTER COMPANY,
MIDDLEBURY, VERMONT.



DAUGHTERS OF VERMONT.

VERMONT ILLUSTRATED.

CHAPTER V.—(*Continued.*)

THE STRUGGLE WITH NEW YORK.—CONTINUED.

To Gov. Tryon's letter the following answer was returned:

BENNINGTON, June 5th, 1772.

To His Excellency, William Tryon, Esquire, &c.

MAY IT PLEASE YOUR EXCELLENCY—We, his Majesty's liege and loyal subjects of the Province of New York, having received your particular favour of the 19th day of May last, requesting the inhabitants of Bennington, and the adjacent country on the east side of Hudson's River, to lay before your Excellency and Council, the cause of our discontent and behaviour, do now express our satisfaction in having this very opportunity to acquaint your Excellency: First, That we hold the fee and property of the lands we are settled on, and in possession of, by virtue of grants from their Majesties George the Second and Third, &c., which lands, at the time of thus being granted, was reputed to be within the jurisdiction of the Province of New Hampshire, until the year 1764, when some of your Excellency's now subjects had, by some measures, obtained his Majesty's pleasure for alteration of the jurisdiction line between the Provinces of New Hampshire and New York. Since this, sundry grants have been made by those in the administration of government in the said Province of New York, on the very land before granted by their Majesties to us, as though the fee of the land and property was altered with jurisdiction, which, we suppose, was not. The measures taken to dispossess us of those lands, by repeated writs of ejectment, suits at Law, rejectment of proof from authentic records, refusing a suitable time and opportunity for collection of evidence to support and vindicate our cause, contrary (as we suppose) to the usual customs of the Law of the Province, seem to be the grounds of our discontent; and that illegal and unconstitutional methods of proceeding, indicting sundry persons, who are bound by the Law of self and family preservation to maintain their liberty and properties—the usage of those intriguers that would monopolize our interests to themselves by such irregular steps.

Their methods of breaking, by violence, houses for possession, and to obtain those whom they are pleased to denominate riotous,

tumultuous and disorderly ; their firing on those people, and wounding innocent women and children, to compass their designs, may have occasioned some very disagreeable and unhappy disturbances among the friends of Mr. Remember Baker, residing on the New Hampshire grants, which, we suppose, your Excellency has been pleased to mention illegal. The foregoing is an exact account of our hitherto ideas of the state of the present case ; and on this footing we must closely adhere to the maintaining our property, with a due submission to your Excellency's jurisdiction ; and, if we should, through ignorance or inadvertency, have hitherto misunderstood either your Excellency, or the occasion of your Excellency's request, we beg the favour to be undeceived. The persons chosen to present these lines, we hope, may give your Excellency some further satisfaction.

We flatter ourselves, from the candor of your Excellency's favourable letter, that you will be friendly disposed toward us ; and we most earnestly pray and beseech your Excellency would assist to quiet us in our possessions, till his Majesty in his royal wisdom, shall be graciously pleased to settle the controversy. Should your Excellency grant this our humble request, our satisfaction would be inexpressible.

Therefore, confidently trusting in your Excellency's wisdom and clemency, as Members of your Province, as loyal and submissive subjects to his Majesty, we beg leave to subscribe ourselves your Excellency's faithful, obedient, and very humble servants.

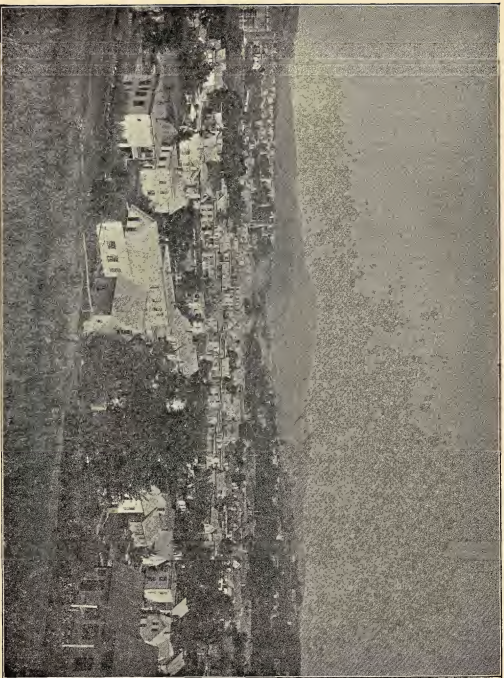
Signed by Mr. Dewey and others.

In addition to the foregoing letter, the following special communication was, at the same time, made to the Governor of New York :

BENNINGTON, June 5th, 1772.

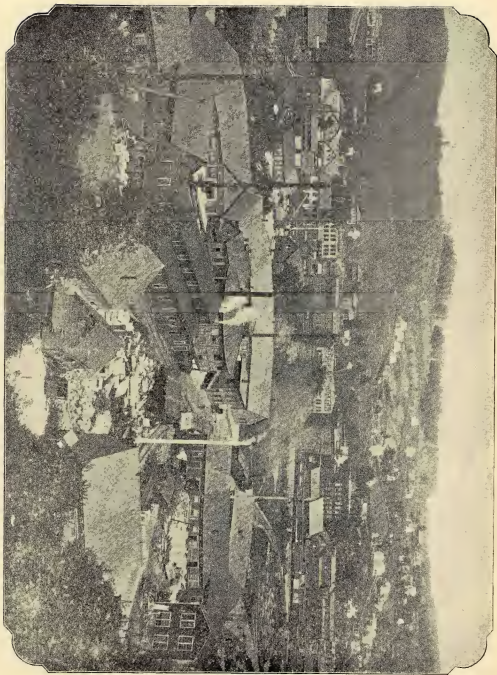
To His Excellency, William Tryon, Esquire, &c.

MAY IT PLEASE YOUR EXCELLENCY—We, his Majesty's loyal subjects, whose names are to this piece affixed, inhabitants on that tract of land your Excellency describes by the name of Bennington, and the adjacent country, &c., and who was, by your Excellency's letter of the 19th day of May last, prohibited the privilege of going to New York, and personally vindicate either ourselves or country, before your Excellency, and being put to the extremity of informing your Excellency by writing, the reason of our discontent, and also of our behaviour, which we shall more largely set forth than is in the foregoing general answer to your Excellency's letter ; and also exhibit more arguments deduced from reason and the nature of



Barre.

Granite Mills, Barre.



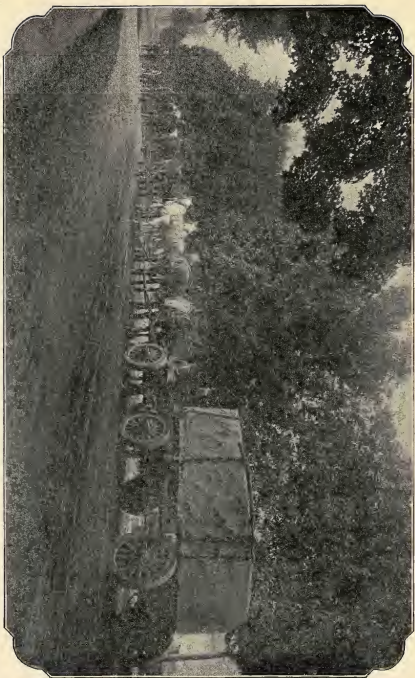
things:—We hope your Excellency will be graciously pleased to view this our defence with that tenderness and candor, a gentleman in so elevated a station should do;—And, therefore, beg leave to observe, that as, on the one hand, no consideration whatever shall induce us to remit, in the least, of our loyalty and gratitude to our most gracious Sovereign, nor of a reasonable submission to your Excellency; so on the other hand, no tyrannical exertions of the powers of the government can deter us from asserting and vindicating our undoubted rights and privileges as Englishmen. We expected an answer from your Excellency, to our humble petition to you delivered soon after your Excellency's accession to the administration of the government; but for reasons to us unknown your Excellency passed it by in silence. However, we cheerfully embrace this opportunity of laying before your Excellency in Council, the true state of our controversy, which we can no otherwise do but by absorbing our personal distinction into the community, and general cause, to which we have obtained the character of faithful. We assure your Excellency that we assent to your authority of jurisdiction, in as much as his Majesty's Proclamation assures us it is his will and pleasure we be under the jurisdiction of New York; and not only now assent to it, but have ever done the same, except in instances where such perverse use has been made thereof, as would dispossess us of our property and country. We are truly desirous, and petitioning his Majesty to re-annex us to the Province of New Hampshire. But this is not the ground of our discontent, or at least, is far from being the principle ground of it, though it was done *ex parte*, and we apprehend there were more or less wrong representations made to his Majesty to obtain the jurisdiction. However, it is the unreasonable and unconstitutional exercise of it, that is the present bone of contention. Our properties are all at stake; this we contend for, as the following known facts will demonstrate. A certain number of designing men in New York (and elsewhere) procured patents under the great seal of that Province, and those grantees, being non-residents, brought sundry writs of ejectment against the New Hampshire settlers on the same land, covered by both patents, as aforesaid, and obtained judgement against them, and proceeded further and took out writs of possession, and actually dispossessed several of them by order of Law, of their houses and farms, leaving them to suffer the inclemency of the weather, bereaved of all the necessaries of life, their new masters having monopolized their earthly *All*, to themselves. These indigent families having in the

first place, expended their several fortunes in bringing their farms out of a wilderness state into that of fruitful fields, gardens and orchards; the whole country, consisting of more than fifteen hundred families, was greatly alarmed at the event which had already begun to take place, was in the greatest consternation, each individual, from these instances, reading their own intolerable and universal destruction.—Still the writs of ejectment came thicker and faster, and universal slavery, poverty and horror, emblematically appeared in every countenance.

Thus, things having come to this pass, the oppression was too great for human nature, under the English Constitution, to grovel under; for those unparralled instances struck an infinitely more terrible idea, than that of the exertion of the Powers of Government.

Laws and society compacts were made to protect and secure the subjects in their peaceable possessions and properties, and not to subvert them. No person or community of persons can be supposed to be under any particular compact of Law, except it pre-supposeth that the Law will protect such person or community of persons in his or their properties; for otherways, the subject would, by Law, be bound to be accessary to his own ruin and destruction, which is inconsistent with the law of self preservation; but this law being natural as well as eternal, can never be abrogated by the Law of men.

We would acquaint your Excellency, that since our misfortune of being annexed to the Province of New York, Law has been rather used as a tool (than a rule of equity) to cheat us out of the country we have made vastly valuable by labour and expense of our fortunes. We conclude these things are yet unknown, or in a great measure so, to your Excellency, as your Excellency's commencement to the administration hath not been long, and a set of artful, wicked men, concealing the truth from your Excellency, purposing to make a booty of us, characterizing us, (speaking of our inhabitants in general) as so many rioters, if not rebels; and we being a poor people, at a great distance from your Excellency's place of residence, fatigued in settling a wilderness country, have little or no opportunity of acquainting your Excellency of our grievancies, except by one short petition, delivered to your Excellency soon after your first taking the administration. And as our cause is represented before his Majesty and Council, we did not expect your Excellency to determine the controversy, nor do we yet expect it. We are sensible those men that seek our ruin, thereby to enrich themselves,



At Barre.



Granite Shops and Quarries, Barre.

do, by stratagems of every kind, represent us to your Excellency as breakers of the peace, and enemies to the government; and under this pretence, they hope to catch a number of the boldest of our inhabitants, and punish them in the New York Inquisition, with that severity that the residue may be frightened out of both liberty and property, for otherwise they would soon be indicted rioters, and thus, under colour of punishing rioters, and a zeal of loyalty and veneration for good government, rob the inhabitants of their country. If we do not oppose the Sheriff and his posse, he takes immediate possession of our houses and farms; if we do we are immediately indicted rioters; and when others oppose officers, in taking such their friends, so indicted, they are also indicted, and so on, there being no end of indictment against us, so long as we act the bold and manly part, and stand by our liberty.

This is a short sketch of the disingenuous cunning of Messieurs Duane and Kempe, and their associates; and it comes to this at last, that we must tamely be dispossessed or oppose officers in taking possession; and as a next necessary step, oppose taking of rioters, so called, or run away like so many cowards and quit our country to a number of cringing, polite gentlemen, who have ideally possessed themselves of it already.

As to sundry men who have eloped lately from our grants, and fled to New York for protection, self-preservation necessitated us to treat some of them roughly; and others, viz. Ebenezer Cowle, and Jonathan Wheat, of Shaftsbury, fled to New York on account of their own guilt, not being hurt or threatened. Would time permit, we could give a rational account for most or all of our late conduct towards these men. The general reason is this, namely, they were a set of men that loved themselves and not their country, they busied themselves in planning and assisting to take rioters, so called. In fine, they were the emissaries of that mercenary crew of Yorkers, and did more in oppressing the people than their preposterous benefactors.

The assault made upon Mr. Baker, at daybreak of the night of the 22d of March last, by a number of ruffians under the command of the infamous John Munro, Esq., was a notorious riot, and gave energy and motion to the subsequent acts, your Excellency denominates illegal. This Munro and his bloody party by cutting, wounding and maiming Mr. Baker, his wife and children, in such an inhuman and savage manner, was no less than proclaiming himself, in a most public manner, to be a malicious and bloody enemy not only

to Mr. Baker, but also to all those men on our grants who manfully adhere to maintaining liberty and property; and in as much as the murderous villain is alive, he has no cause of complaint—for, after his assault upon Mr. Baker, he made another assault upon Mr. Seth Warner; but not having so strong a party of ruffians with him as in his other expedition, it was not attended with the like consequences, for Mr. Warner struck his head with a dull cutlass, and levelled him to the ground; but the blow proved not mortal; and after this, for his satisfaction for the wound, threatened the lives of a number of the New Hampshire settlers. Your Excellency will undoubtedly consider, as our opponents have had the manufactory of the civil laws so much under their power, that this merciless man could not be brought to Justice, nor could others among us be safe any other way but by using him in his own play; he set the example, and enraged the people to mimic him, from that natural principle of Justice in every man's own breast.

As to the perfidious and treacherous Bliss Willoughby, he always pretended to be a friend of the said Baker's, and Baker had ever been truly a friend of his. This hypocrite, two days before Baker was taken, made a frivolous excuse of business, went to said Baker's house, viewed the strength of it, perceived Baker was somewhat careless and secure, and made report to the said Munro. In fine, Willoughby was the planner and instigator of that savage cruelty, exercised to said Baker, which was perpetrated and brought into action by the detestible said Munro. But to desist: as to the history of our late transactions, whether they be all right or not, we, on our part, have a few arguments and considerations more to lay before your Excellency, as to the cause of our discontent, as well as to the cause of our late actions your Excellency denominates illegal.

The alteration of jurisdiction, in 1764, could not affect private property. Surely his Majesty, by this alteration, did not purpose to take away the personal property of a large number of his loyal subjects, and transfer it to other subjects; the English Constitution will by no means admit of this, for the transferring or alienation of property is a sacred prerogative of the true owners—Kings and Governors cannot intermeddle therewith. Furthermore, your Excellency and Council must needs be acquainted that we have a petition lying before his Majesty and Council, for redress of our grievances. That is an impartial board; pray why may it not be determined there? For the very identical matters in dispute are now, and for several years past have been, lying before that Court, except the accusations of



Granite Quarries, Barre.



From Barre.

of riotousness and disorderly conduct, which is improved as a handle to subvert property, and that only.

Furthermore, in the time of Sir Henry Moore's administration, his Majesty was pleased to lay the Government of New York under absolute prohibition not to grant or patent any of the lands antedecently granted under the great seal of the Province of New Hampshire; and furthermore forbid the government to disturb or molest the settlers. This, rightly understood, amounts to a supersedeas over the authority of Common Law, and absolutely controls the cognizance thereof. As to the particular matters in the prohibition set forth, or matters lying before his Majesty by petition, the import of the prohibition must needs be thus, namely: that his Majesty, by it, informs the Government of New York, that he has taken the controversy, to him made known by petition, under his royal consideration; and that he, after due information and evidence of the state of the case, determines to settle the controversy; consequently forbids the government taking cognizance thereof; and common sense teaches us that under such prohibition, if a judgment at Common Law be supposed to be valid, it would invalidate the authority of the crown, and subvert and overthrow the authority of the kingdom, as it would render the prohibitions of the crown perfectly impertinent. Therefore, Common Law, in the case before us, is not clothed with cognizance of this case, much less with authority to dispossess us; consequently, every party of men that have, with officers or otherwise, come into these parts to dispossess us, came in open defiance and direct opposition to his Majesty's orders and authority: and, though they style us rioters for opposing them, and seek to catch and punish us as such, yet in reality themselves are the rioters, the tumultuous, disorderly, stimulating faction; or, in fine, the land-robbers; and every violent act they have done to compass their designs, though ever so much under pretense of law, is in reality a violation of law, and an insult on the constitution and authority of the crown, as well as to many of us in person, who have been great sufferers by such inhuman exertions of pretended authority of law.—Right and wrong are eternally the same, to all periods of time, places and actions; and colouring a crime with a specious pretence of law, only adds to the criminality of it; for it subverts the very design of law, prostituting it to the vilest purposes. Can any man, in the exercise of reason, make himself believe that a number of Attorneys and other gentlemen, with all their tackle of ornaments and compliments and French finesse, together with their boasted authority of law;

that these gentlemen have just right to the lands, labours and fortunes, of the New Hampshire settlers? Certainly they cannot. Yet this is the object in view by that mercenary fraternity.

We do not suppose, may it please your Excellency, we are making opposition to a government as such; it is nothing more than a party, chiefly carried on by a number of gentlemen, Attorneys, (if it be not an abuse to gentlemen of merit to call them so) who manifest a surprising and enterprising thirst of avarice after our country: but, for a collection of such intriguers to plan matters of influence of a party so as eventually to become judges in their own case, and thereby cheat us out of our country, appears to us so audaciously unreasonable and tyrannical, that we view it with the utmost detestation and indignation, and our breasts glow with a martial fury to defend our persons and fortunes from the ravages of those that would destroy us; but not against your Excellency's person or government.

We are fully persuaded your Excellency's ears have been much abused by subtile and designing men; for we are informed from credible authority, your Excellency has lately made application to your assembly, to raise an armed force to subdue us, but that the motion was negatived. We apprehended your Excellency views us as opposing your Excellency's jurisdiction, and that the violent acts by us done was in rebellion to his Majesty's authority, or your Excellency had never proposed the subduing of us; we are morally certain we can convince your Excellency that is not so; but that on the other hand, Messieurs Duane, Kempe and their associates are the aggressors.

We have chosen two men from among us, viz. Capt. Stephen Fay and Mr. Jonas Fay, to treat with your Excellency in person; who, we hope, will answer such queries, and give your Excellency the satisfaction you hope for.

We view your Excellency as our Governor and political father, and hope and expect, from the sincerity and candor of your Excellency's letter, you will be friendly and favourably disposed towards us, when your Excellency by these lines perceives the grounds of our discontent; for we are conscious that our cause is good, and that it was oppression which has been the ground of our discontent, and that self-preservation hath hitherto urged us to the measures lately taken. And we now earnestly entreat your Excellency's aid and assistance to quiet us in our possessions and properties, 'till his Majesty, in his royal wisdom, settle the controversy. If your Excellency should do this, there would be an end of riots so called, and



Young Ladies Barre Seminary.



A Graduating Class, Barre.

our tongues unable to express our gratitude to your Excellency for such protection.

Therefore, relying on your Excellency's great wisdom and goodness, as Members of your Government, his Majesty's loyal and liege subjects, we subscribe ourselves your Excellency's ever faithful and humble servants,

ETHAN ALLEN,
SETH WARNER,
REMEMBER BAKER,
ROBERT COCHRAN.

The foregoing communications were transmitted to Governor Tryon, by the agents appointed for that purpose. The agents were received by him, and the communications laid before his Council, who after mature consideration, advised as follows:

"The Committee are desirous your Excellency should afford the inhabitants of these townships all the relief in your power, by suspending 'till his Majesty's pleasure shall be known, all prosecutions in behalf of the crown, on account of the crimes with which they stand charged by depositions before us, and to recommend it to the owners of the contested lands under grants from this Province, to put a stop during the same period to all civil suits concerning the lands in question."

The foregoing was approved by the Governor, and communicated to the inhabitants in Bennington and the vicinity.

While this negotiation was pending, the Green Mountain Boys proceeded to dispossess certain settlers upon Otter Creek (at Vergennes), claiming title under New York; in consequence of which, Governor Tryon addressed the following letter to the inhabitants of Bennington and the adjacent country.

ALBANY, August 11th, 1772.

GENTLEMEN: At the same time I express to you my satisfaction, by the opportunity of Mr. Fay, on the grateful manner in which you received and accepted the lenient measures prescribed by this government, for your peacable conduct, until his Majesty's pleasure should be known, respecting the disputed claim to lands within this government, I cannot conceal from you my high displeasure at the breach of faith and honor, made by a body of your people, in dispossessing several settlers on Otter Creek and its neighborhood, of their possessions during the very time the Commissioners you appointed to attend on me at New York, were waiting the determination of government on your petition, that you might remain un-

molested in your possessions, until the King's pleasure be obtained. Such disingenuous and dishonourable proceedings, I view with great concern, considering them as daring insults to government, a violation of public faith and the conditions granted to you on petition. To prevent therefore the fatal consequence that must follow so manifest a breach of public confidence, I am to require your assistance in putting forthwith those families who have been thus dispossessed, into re-possession of their lands and tenements, in the same manner in which they were at the time Mr. Fay and his son waited on me at New York. Such a conduct on your part will not fail of recommending your situation to his Majesty, and insure a continuance of my friendly intentions towards you.

WM. TRYON.

To the Inhabitants of Bennington and the adjacent Country.

ANSWER TO THE FOREGOING.

BENNINGTON, August 25th, 1772.

To His Excellency, William Tryon, Esquire, &c.

MAY IT PLEASE YOUR EXCELLENCY—We his Majesty's liege and loyal subjects, inhabitants of Bennington and the adjacent country, have received your Excellency's letter of the 11th of August, inst. by which we are informed of your Excellency's high displeasure towards us, by reason of a body of our people's dispossessing several settlers on Otter Creek and its neighborhood of their possessions, during the very time our Messengers attended on your Excellency, at New York, and were waiting the determination of government on our petition that we might remain unmolested in our possessions till the King's pleasure could be obtained. Your Excellency further informs us, that you look on our late proceedings with great concern, viewing them as daring insults to government, a violation of public faith and the conditions granted to our petition. We would, with proper submission, give your Excellency and Council, a short narrative of facts, with a few reflections and reasons thereon.—And, First, we would observe, that our Messengers, your Excellency styles Commissioners, were not authorized to establish and complete articles of public faith for their constituents. The business assigned them, was to deliver the written petition, and inform your Excellency and Council of the facts of the controversy subsisting, and further negotiate and forward the matter of our petition, and return to us the determination of government, reserving to ourselves the power of assenting to, or dissenting therefrom; though true it is, when the articles of amicable settlement or order of government was read at



County Fair, Barre.



Camel's Hump from the East and Winooski River.

a public meeting held at Bennington on the 15th day of July, ult. the said order and proposals were universally complied with by those present: from which time, we, reasonably, compute the date of public faith and sacred bond of friendship. But in the interim the conditions of faith was forming, and before a ratification thereof, Mr. Kockburn, a noted surveyor, unknown (as we suppose) to your Excellency and Council, by the contrivance, aid and employ of certain monopolizing adversaries of ours, took a tour to the northerly parts of the New Hampshire grants, to survey and make locations on our land. Such locating we view as a manifest plan and intention of invading our property—the same as intrenching round the city portends a seige thereof.

Our people, having notice of Mr. Kockburn's intrusion on our borders, rallied a small party and pursued and overtook him and his party; and in their pursuit, passed the towns of Panton and New Haven, near the mouth of Otter Creek; dispossed Col. Reid of a saw mill in said Panton, which, by force and without colour, or even pretence of recourse to law, he had taken from the original owners and builders, more than three years before, and did at that same time extend his force, terrors and threats into the town of New Haven; who by the vicious and haughty aid of Mr. Benzell, the famed Engineer, with a number of assistants under their command, so terrified the inhabitants (which were about twelve in number) that they left their possessions and farms to the Conquerors, and escaped with the skin of their teeth, although they had expended large sums of money in cutting roads to, and settling in that new country, as well as fatigued and laboured hard in cultivating their farms. Col. Reed, at the same time, and with the same force, did take possession of one hundred and thirty saw logs, and fourteen thousand feet of pine boards, which boards were made in the same mill, and all lying thereby; all which he converted to his own use. Not long after, the original proprietors of the said mill did re-enter and take possession thereof, but was a second time attacked by Col. Reid's steward, with a number of armed men, under his (supposed) instructions, and by their superior force and threats was obliged to quit the premises again—all which tenements said Reid occupied and enjoyed until dispossed, as your Excellency's letter complains of.

But to return to Kockburn again. Our party having taken him as aforesaid, brought him to the town of Castleton, near South Bay, where, being first informed of your Excellency's clemency, as well as that of the honourable Council, in granting the prayer of our pe-

tition; and in conformity to the articles of settlement agreed on, dismissed him on honourable terms.

This is a short narrative of facts, for the proof of which sufficient affidavits can be educed.

We are apprehensive your Excellency has been hitherto unacquainted with these facts, and have therefore exhibited them in this letter; although it appears strange to us, according as your Excellency's own letter states the matter, that we should be suspected or taxed with violation of public faith, and that our disingenuous and dishonourable violation thereof hath nullified and made void the late amicable settlement; for at the same time your Excellency charges us with breach of faith and settlement, the very preliminaries of this faith was not known on our part, and consequently could not have been complied with; the very stipulations and faith spoken of did not then exist; for it must be the meeting of the minds of the contracting parties which constitutes such faith and agreement, and of course cannot be broken before its existence.

Mr. Kockburn's locating our lands in the meantime the preliminaries of public faith were forming, was at least as much a breach of that faith, as what we are charged with. Nay, according to our conception of the matter, more so; as he made the first movement towards the invasion of our property.

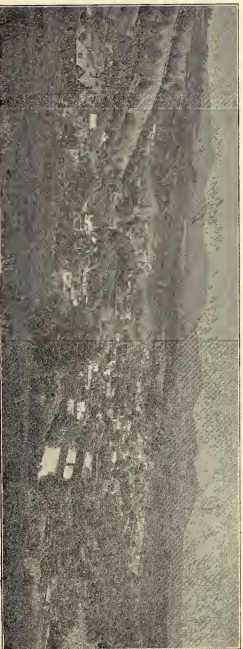
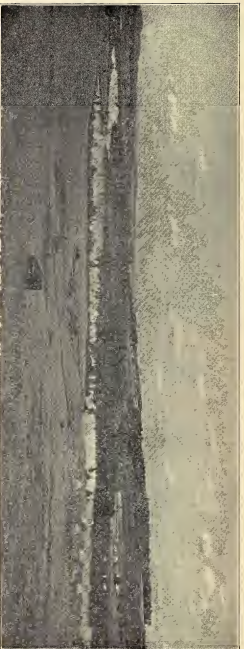
Soon after our Messengers returned from New York, and read the Minutes of Council and your Excellency's letter of compliance therewith, to a large auditory convened at Bennington for that purpose, composed of the inhabitants of that place, the adjacent country and sundry respectable gentlemen from the neighboring Provinces; your Excellency's gracious, wise and benevolent proposals for settling unity and concord, in our part of the Province, were by those present unanimously applauded and conceded to; and all possible public testimonies of honour and respect paid to your Excellency and Council, by sundry discharges of cannon and small arms; your Excellency's health, long life and prosperity, as well as that of the honourable Council's was the toast; your name commanded reverence and esteem, and your Excellency's person in particular, became precious in our eyes.

And we do humbly assure your Excellency we have no disposition of alienation of affections towards you, or knowingly break any article of public faith.

There are two propositions, which are the objects of our attention; Firstly; the protection and maintaining our property. And



Near Montpelier.



Winoski River. Montpelier.

secondly; to use the greatest care and prudence, not to break the articles of public faith, or insult government authority.

These two propositions, we mean strictly and religiously to adhere to. And for the more explicit knowledge of the preliminaries and conditions of public faith and trust, we would inform your Excellency and Council that our acceptance of those conditions on the part of New York, is, that they make no further settlements or locations on our lands, granted under the great seal of the Province of New Hampshire, until his Majesty's pleasure be obtained as to the validity of the grants. Although this was not so fully expressed, yet we suppose it was implied in the abstract of the Minutes of Council; if it was not, we pray your Excellency and Council would undeceive us in that particular; for if we are deceived in this, then on this hypothesis, your Excellency and Council's lenient and friendly disposition towards us, will not for the future (by us) be viewed as such; for such locations and settlements on our lands would be incompatible with friendship, and a manifest infringement on our property, which has all along been the bone of contention.

The last part of your Excellency's letter to us, contains a requirement of our immediate assistance in repossessing Col. Reid's tenants of said tenements. As to this particular, had your Excellency known by what means Col. Reid obtained possession of them lands and tenements, undoubtedly your Excellency would not have required our assistance in repossessing him; or have viewed with concern our dispossessing him, as a daring insult to government: for, the case rightly understood, it appears that his conduct was a daring insult to government, and continued violation for more than three years, of the laws, restrictions, regulations and economy, both of God and man; a notorious breach of the tenth command of the decalogue, which says, "Thou shalt not covet, &c." He, coveting, did take the saw-mill, logs, boards, and also the lands, labours, possessions, farms, tenements, &c., &c., from the rightful owners, proprietors, and first occupants thereof, without a process of law, as aforesaid, to their exclusion from the premises more than three years; all which time, he has been enriching himself by the improvement of their estates; and should we repossess him of the premises again, we should become copartners with him in his wickedness. Such an act we could not reconcile to our own consciences, it being apparently immoral, and most flagrantly cruel and unjust.

When your Excellency and Council view these facts and arguments, we humbly conceive we shall not be required to repossess

Col. Reid of the premises: nor do we expect your Excellency and Council will adjudge us to be violators of the late articles of public faith: all which, with due submission, we refer to your Excellency and Council.

And we do now, with due reverence, ask the favour of a few lines, which may certify to us the determination of government relative to the particulars litigated in this paper; and remain your ever faithful and most obedient humble servants.

At a general meeting, held at Manchester, on the 27th day of August, 1772, by the Committee of the towns of Bennington, Sunderland, Manchester, Dosseth, Ruport, Pollet, Wells, Poultney, Castleton, Pitsford and Rutland; the foregoing answer to his Excellency's letter of the 11th inst. was read to the said Committees, and the vote was called by Mr. Nathan Clark, Chairman, whether the said answer be approved of by the said Committees, and it was voted in the affirmative.

ETHAN ALLEN,

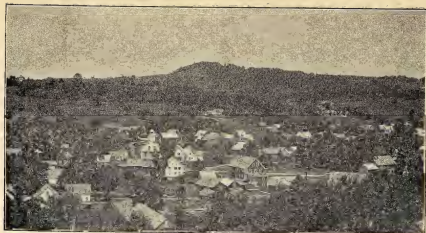
Test.

Clerk for said Committees.

This answer of the settlers was received by Tryon and laid before his Council on the 8th of September, and by that body treated as "highly insolent and deserving of sharp reprehension." The Council advised him that in their opinion the opposition to the government had become so formidable that it "could not be effectually suppressed without the aid of regular troops." From this time it was evident that the negotiation was a failure, and no further regard appears to have been paid to it on either side.

Tryon wrote to the colonial secretary of the unfavorable answer of the settlers to his demand on them to restore Col. Reid's tenants to their possessions, and informed him that the opposition was likely to become too formidable "for militia forces to encounter." Lord Dartmouth replied (December 9, 1772) that he expected "the question which had occasioned the disturbances would shortly be determined in a manner that would be more effectual to restore quiet than the interposition of any military force; which ought never to be called in to the aid of the civil authority but in cases of absolute and unavoidable necessity; and which would be highly improper if applied to support possessions which, after the order issued in 1767, upon the petition of the proprietors of the New Hampshire townships, may be of very doubtful title."

In fact, six days before the date of Lord Dartmouth's letter, the Lords of Trade had reported to the Privy Council a plan of settle-



Royalton.



At Montpelier.



At Middlebury.



Brookfield.



Near Manchester.



Mountain Road, Chittenden County.

ment fully recognizing the rights of the settlers, which, if carried out, would have left them in the quiet possession of their property. This report was confirmed by order of the King in council the next April when it was transmitted by Lord Dartmouth to Governor Tryon with a recommend that it be carried into effect. But as it censured in the strongest language the avaricious and oppressive conduct of the New York governors, and in effect recommended the abandonment of the Yorker's claims so far as the lands granted were in actual possession of settlers under prior grants, being practically a decision in favor of the settlers, it was thought better by the New York governor and council, that is, Tryon and his band of land sharks, to discuss this recommendation rather than to adopt it. An elaborate answer was therefore returned, and the recommendation was pigeon-holed and forgotten.

Some of the doings which led up to these fruitless negotiations were these. In the summer of 1771, two brothers of the name of Todd, claiming under a New York patent to one Lieut. Farrant, had commenced work on a lot near the west line of Rupert, which was claimed by Robert Cochran under the New Hampshire charter, and which, it is said, he had partly cleared. Another New York claimant of the name of Hutchinson had begun to build a log house on another lot belonging to a New Hampshire grantee, the logs being laid and rafters fixed for a roof; and further to the northward one Reid had begun an improvement on a piece of land in Pawlet, and had erected there a shelter, having four crotches driven in the ground with boughs for a covering. Cochran with a party of seven armed men from Rupert, accompanied also by Ethan Allen and Remember Baker, went to the Todds, and drove them from their work, declaring they would never suffer any man to be seated there who held under a New York title. The party then went to Hutchinson's place, took down the logs and rafters of his house and placing them in piles "burned them with fire." The shelter of Reid was afterwards destroyed in the same manner, all the claimants being required to depart immediately from the lands granted by New Hampshire and threatened with barbarous usage if they returned. According to the affidavit of Hutchinson, taken before Justice McNaughton, his assailants conducted in a rough, swaggering and boisterous manner, declaring that they had "that morning resolved to offer a burnt sacrifice to the gods of the woods in burning the logs of his house;" with oaths boastingly telling him "to go his way and complain to his 'scoundrel governor;' that they had hundreds of

New Hampshire men to prevent any soldiers or others settling on their lands; defying the New York council, assembly and laws, and affirming that if any New York constable attempted to arrest them they would kill him, and that if any of them should be put in Albany jail they would break it down and rescue him."

Complaint of these violent proceedings having been made to Gov. Tryon, he, by advice of his council, issued a proclamation bearing date Dec. 9, 1771, offering a reward of twenty pounds each for apprehending and securing Cochran, Allen, Baker, and the six others concerned with them, "that they might be proceeded against as the law directs." Two days afterwards, on the 11th of December, Gov. Tryon issued another proclamation in which he maintained at considerable length by argument and authority, what he called "the ancient and incontrovertible right of New York to extend to Connecticut river as its eastern boundary," and warned all persons that his government would adopt the most rigorous measures for suppressing all opposition to its authority.

These threatening proclamations served to increase rather than to allay the ill feeling of the settlers. That of the 11th was answered in detail, in two communications in the Connecticut Courant of the 24th of March and April 28, 1772. These articles, which were undoubtedly from the pen of Ethan Allen, were written with considerable ability, were extensively read and exerted much influence in forming a friendly public opinion toward the settlers.

The proclamation was answered in kind by the following poster, signed by three of the proscribed, and extensively circulated:

£25 REWARD.

Whereas, James Duane and John Kempe, of New York, have by their meances and threats greatly disturbed the public peace and repose of the honest peasants of Bennington, and the settlements to the northward, which peasants are now and ever have been in the peace of God and the king, and are patriotic and liege subjects of George III. Any person that will apprehend those common disturbers, viz. James Duane and John Kempe, and bring them to Landlord Fay's at Bennington, shall have £15 reward for James Duane and £10 for John Kempe, paid by

ETHAN ALLEN,
REMEMBER BAKER,
ROBERT COCHRAN.

Dated, POULTNEY,
Feb. 5, 1772.